

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

TYRION S. HODGES,

Plaintiff,

VS.

L. ROGERS, T. RUSHER,
C. ZAMFIRESCU, A. DIAZ,

Defendants.

Case No. 20 C 4760

Honorable John F. Kness

**DEFENDANTS' RULE 26(f) REPORT REGARDING STEPS TAKEN SINCE
EARLY OCTOBER 2021 TO CONFER WITH PLAINTIFF**

Pursuant to this Court’s order, dated December 21, 2021, Defendants L. Rogers, T. Rusher, C. Zamfirescu, and A. Diaz, by and through their attorneys, Jason E. DeVore and Troy S. Radunsky of DeVore Radunsky LLC, submit the following as Defendants’ Rule 26(f) Status Report Regarding Steps Taken Since Early October 2021 to Confer with Plaintiff.

Failed Efforts to Confer with Plaintiff's Concerning Status of Litigation and Discovery Plan

After Defendants' counsel arranged for plaintiff to participate in this court's October 12, 2021, hearing, the Plaintiff appeared remotely while incarcerated. During the October 12, 2021, hearing, this Honorable Court admonished the plaintiff regarding the importance of the plaintiff actively participating his own case and following the rules of this court and pursue the case.

Prior to the October 12, 2021, court appearance, Defendants' counsel initiated telephone calls to the plaintiff, but plaintiff refused to speak with Defendants' counsel

regarding issues with discovery, including a litigation plan with deadlines. During the hearing the plaintiff admitted that he has been unwilling to participate in the Rule 26 process. During the October 12 court appearance, this Honorable Court took considerable time explaining to the plaintiff the importance of engaging in a dialogue with Defendants' counsel and taking actions to pursue this matter, which was filed in 2020.

After the October 12, 2021, concluded, counsel for the defendants attempted to speak with the plaintiff but the plaintiff did not make himself available to speak with defendants' counsel. Additionally, the plaintiff has not contacted defendants' counsel in writing at any point from October 2021 forward.

On October 27, 2021, defendants' counsel submitted a Rule 26(f) Status Report to this Court, which reflected that plaintiff was unwilling to participate in the Rule 26 discovery process. Accordingly, as of October 27, 2021, the parties had not met and conferred to attempt to resolve any discovery disputes and move forward with discovery. The October 27 status report submitted by defendants' counsel included a proposed discovery schedule with a discovery completion date of January 25, 2022. The October Status Report reflects the continued unwillingness of the plaintiff to comply with the Federal Rules of Civil Procedure and local rules by participating in participate in the Rule 26 discovery process, or otherwise pursue his case.

On November 3, 2021, a notification filed by the plaintiff advised that the plaintiff was being transferred to Stateville Correctional Facility from Cook County Jail. It also advised that the plaintiff would be discharged on November 4, 2021. On November 4, 2021, this Court entered an order striking the November 5, 2021, and resetting it for December 9, 2021, in light of the information contained in the October 27, 2021, status

report. The November 4 docket entry (Dkt #42) advised that the parties would use the same call-in information for the December 9, 2021, court appearance that was to be used for the November 5, 2021, court appearance.

On November 29, 2021, a notice was filed, which advised that the plaintiff moved to a new address: 7939 S. Washtenaw, Chicago, IL 60652. No phone number or other information was provided.

On December 8, 2021, this Court entered an order resetting the December 9, 2021, court appearance until December 21, 2021, for an **in-person** hearing. Prior to the court-ordered **in-person** December 21, 2021, hearing, a copy of the December 8 minute order was mailed to the plaintiff at the address provided to the court by the plaintiff on November 29, 2021. Defendants' counsel personally mailed a copy of the December 8, 2021, minute order to plaintiff at the address provided to the court on November 29, 2021.

On December 21, 2021, defendants' counsel appeared at the **in-person** hearing, pursuant to this Court's December 8, 2021, minute order. Plaintiff did not attend the December 21 hearing. During the December 21 hearing, this Court continued this matter for another **in-person** hearing on January 14, 2022, at 10:20 a.m. and directed the clerk to mail a copy of the December 21, 2021, order to Plaintiff at his last known address (Dkt #51.) As stated in open court, pursuant to the December 21 order, Plaintiff was advised that if he does not appear at the January 14, 2022, hearing, the Court will dismiss the case for want of prosecution. (Dkt #51.)

Defendants' counsel submits this Report, pursuant to the requirements of the December 21, 2021, court order. (Dkt #51.) Despite repeated attempted communications, counsel for the defendants has not yet received any indication that the plaintiff is willing

to engage in the discovery practice, under Rule 26. On December 11, 2022, Defendants' counsel is personally mailing a copy of this Report to Plaintiff at his last known address.

Respectfully Submitted,

By: /s/ Jason E. DeVore
Jason E. DeVore, One of the
Attorneys for Defendants L.
Rogers, T. Rusher, C. Zamfirescu,
and A. Diaz

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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that Defendants' Answer and Affirmative Defenses to DEFENDANTS' RULE 26(f) REPORT REGARDING STEPS TAKEN SINCE EARLY OCTOBER 2021 TO CONFER WITH PLAINTIFF was filed on January 11, 2022, with the Northern District of Illinois ECF system, serving a copy on all parties.

/s/ Jason E. DeVore
Jason E. DeVore